

REMARKS

Claims 11, 13-21, 23-33, and 37-68 are pending in the application and stand rejected. By the present amendment, claims 14-16, 62, 63, and 67 have been amended. The Examiner's reconsideration of the rejection in view of the above amendments and the following remarks is respectfully requested.

Claim Rejections- 35 U.S.C. § 112, second paragraph:

Claims 14, 15, and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14-16 have been amended to further define the invention. Applicants believe the amendment to claims 14-16 overcome the Examiner's rejection. Withdrawal of the claim rejections is respectfully requested.

Claim Rejections- 35 U.S.C. § 103(a):

Claims 11, 13-21, 23-33, 44-45, 47-51, and 60-68 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewak et al. (U.S. 5,544,360) in view of Herz (U.S. 6,029,195).

To establish a prima facie case of obviousness, at the very least, the prior art references must teach or suggest all the claim limitations. In addition, the teaching or suggestion to make the claimed combination must both be found in the prior art and not based on applicant's disclosure (see, e.g., MPEP 2141, 2413, 2143.03).

Claims 11 and 61 recite, *inter alia*, *incrementally retraining the classifier to adapt to modifications of the collection, wherein the incremental retraining is performed using a lazy strategy for incrementally retraining the classifier*.

The Examiner correctly notes that Lewak does not specifically teach a method of incrementally retraining the classifier.

The Examiner contends that Herz discloses a method of categorizing text messages utilizing a user target profile interest summary, said summary is automatically updated on a continuing basis (Col. 7, lines 15-17) and that this discloses *incrementally retraining a classifier to adapt to modifications of the collection*, as essentially claimed in claims 11 and 61.

Applicants respectfully submit that the Examiner's contention above is misplaced, and Herz does not cure the deficiencies of Lewak. In the passage cited by the Examiner, Herz discloses a computer filing system for accessing files and data and automatically updating a user's target profile interest summary on a continuing basis and not on an incremental basis. In other words, the system disclosed in Herz is constantly updating the files to reflect the user's changing interest and does not wait to adapt the modifications of a collection by incrementally retraining a classifier. Whereas, in the present invention, the user may add a new message to a folder or move a message from one folder to another, and the system does not retrain the classifier until some predetermined criteria has been met, e.g., time. Thus, Herz does not cure the deficiencies of Lewak nor does Herz or Lewak, singularly or in combination, teach or suggest an automated method comprising the step of *incrementally retraining the classifier to adapt to modifications of the collection*, as recited in claims 11 and 61 of the present invention.

Further, Applicants respectfully submit that claims 11 and 61 are non-obvious and patentably distinct over the combination of Lewak and Herz for additional reasons. For instance, the Examiner states Lewak discloses that during periods of idle, the File Control (FC) manager retrieves a previously saved file and checks its path and categorizes said file (category:

“uncategorized”) if not already categorized (Col. 7, lines 50-67), and the Examiner contends that this discloses *the incremental retraining is performed using a lazy strategy for incrementally retraining the classifier* because deferring categorization in this manner is a form of lazy strategy.

Applicants respectfully submit that the Examiner’s contention stated above is also misplaced. First, the Examiner has already stated, on page 5 of the Office Action, that Lewak does not specifically teach retraining a classifier.

Next, in the passage cited by the Examiner, Lewak discloses that a File Control (FC) Manager will automatically categorize a file that has not been categorized as “uncategorized” and notify a user there are files that need to be categorized (Col. 7, lines 50-67). In other words, it is a user of the system disclosed in Lewak that dictates when the “uncategorized” files will be updated and not the system set to incrementally retrain a classifier based on some predetermined criteria. Further, the system updates every time the user performs a task, e.g., closing a folder. Even if a file cannot be categorized, the system still classifies it as “uncategorized” and waits for the user to classify the file (Col. 7, lines 63, - Col 8, line 5). Whereas, in the present invention, the classifier is automatically retrained in increments using a lazy strategy, wherein the lazy strategy is based on predetermined criteria such as time, idle state, a threshold number of documents have been added, deleted, or moved in the collection, etc. The system of Lewak simply does not suggest or disclose incrementally retraining a classifier using a lazy strategy because the user must actively participate in the updating of the files.

Thus, Applicants respectfully submit that neither Lewak nor Herz, singularly or in combination, suggest or disclose *incrementally retraining the classifier to adapt to modifications of the collection*, much less, disclose that *the incremental retraining is performed using a lazy*

strategy for incrementally retraining the classifier, as essentially claimed in claims 11 and 61.

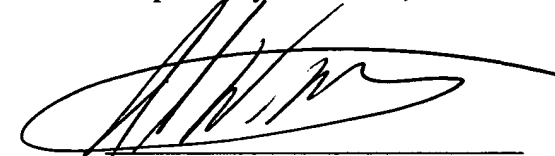
Therefore, claims 11 and 61 are believed to be patentably distinct and non-obvious over the cited references for at least the reasons stated above.

Claims 13-21, 23-33, 37-60, 64, and 68 depend from claim 11, and claims 62-63 and 65-67 depend from claim 61. Therefore, the dependent claims are allowable for at least the same reasons as the independent claims 11 and 61.

Claims 62, 63, and 67 have been amended to further define the invention.

In view of the foregoing remarks and amendments, a request for continued examination of the case is respectfully requested. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. McNally', is written over a horizontal line.

By: Thomas W. McNally
Reg. No. 48,609
Attorney for Applicants

F.CHAU & ASSOCIATES, LLP
1900 Hempstead Turnpike, Suite 501
East Meadow, NY 11554
Telephone: (516) 357-0091
Facsimile: (516) 357-0092